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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,831	01/15/2004	David J. Houston	08855-00009	1830

27144 7590 01/12/2005

FOSTER, SWIFT, COLLINS & SMITH, P.C.
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EXAMINER

CHIU, RALEIGH W

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/707,831	Applicant(s) HOUSTON ET AL.	
	Examiner Raleigh Chiu	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Upon the discovery of the Cutrone reference, the following rejections are presented. The delay in the applicability of the Cutrone reference and the withdrawal of the indication of allowable claims are regretted.

2. In claim 3, --of the table-- should be added after "top surface" indicating to what the top surface belongs.

Information Disclosure Statement

3. The foreign references in the IDS discussed in the previous Office action have still not been considered for failure to comply with 37 CFR 1.98(a)(3). It is noted that the rule is applicable to all foreign patents not in the English language, including those drawn to "simple" mechanical devices.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-4, 6-9, 13, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 4,971,319 (Catrone).

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Regarding claims 1, 2, 6, 7 and 13, Figures 1 and 7 of Catrone show a pair of ramp members 30,34 extending the length of a net and configured to a height of less than the height of the net. Although the Catrone device is used in tennis, it would have been obvious to one of ordinary skill in the art to extend this teaching to table tennis in view of the well-known similarities between the two sports.

Regarding claim 3, Figure 7 shows a support element 110,112 connected to the backside of the ramp members.

Regarding claims 4 and 14, support elements 110,112 also serve as end brackets.

Regarding claims 8 and 21, it would have been obvious to one of ordinary skill in the art to connect the two ramp members with each other to better secure the device during use.

Regarding claim 9, hooks are considered to be well-known connectors; the specific type of connector is not considered to be critical but whose selection would have been within the capabilities of one of ordinary skill.

6. Claims 5, 15, 17-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutrone as applied above in view of U.S. Patent Number 5,460,365 (Payne).

Regarding claims 5, 15, 17, 20 and 22, it would have been obvious to one of ordinary skill in the art to place side

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deflecting panels in combination with the Cutrone ball diverter in view of Payne who shows in Figure 1 that such panels would keep more balls on the playing surface.

Regarding claims 18 and 19, angled sections 42 correspond to the recited extension portions.

7. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cutrone as applied above in view of U.S. Patent Number 4,919,421 (Vandeveld).

Regarding claim 10, although Cutrone shows the ramps to be made from netting, it would have been obvious to one of ordinary skill in the art to make them as paneled material in view of Vandeveld who discloses that it is old and well-known in the art to construct ball returners in such a manner. See Vandeveld at column 2, lines 51-54. Moreover, it would have been an obvious matter of design choice to make the Cutrone ramps as modified above separable, since such a modification would have involved a mere separation of elements. To make an element separable is generally recognized as being within the level of ordinary skill in the art.

Regarding claims 11 and 12, to join the elements together using well-known connecting expedients would be similarly obvious to one of ordinary skill.

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Response to Arguments

8. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raleigh Chiu whose telephone number is (571) 272-4408. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich, can be reached on (571) 272-4415.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raleigh W. Chiu
Primary Examiner
Technology Center 3700

RWC:dei:feif
6 January 2005